**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 753 OF 1993**

Prashant Kondiba Tandale ..Appellant

versus

Dhanji B. Gaikwad & ors. ..Respondents

Mr. Akshay Kolse-Patil h/f. V. P. Sawant for the Appellants.

Mr. V. B. Rajure for Respondent Nos. 1 and 2.

Mr. Dilip Mahadik h/f. S.R. Singh for the Respondents NO.3.

**CORAM : D. G. DESHPANDE,J.**

**DATE : 31ST JANUARY,2005**

**ORAL ORDER :**

1. Heard learned counsel for the parties.

2. The appellant who is claimant had filed claim petition claiming Rs.1,68,000/= on account of permanent partial disability suffered by him in an accident. Since there is no cross appeal by the other side, it has to be held that the appellant is entitled to the compensation. However the appeal is filed for enhancement because according to the appellant when he had claimed Rs.1,68,700/-, the

Tribunal awarded to him Rs.65,000/- only.

3. In the accident the appellant had suffered fracture to his left thigh lower 1/3rd and fracture of left wrist joint. He suffered partial disablement of 15%. The Tribunal granted Rs.65,000/- out of which Rs.25,000/- for medical expenses and Rs.40,000/- on all other heads. Counsel for the appellant contended that looking to the evidence of P.W. 2 Dr. Sopan Mahipatrao Rane, the appellant should have been awarded reasonable amount for his surgery which the appellant would have been required to undergo, in future.

4. Dr. Sopan Rane has stated in his evidence that the patient i.e. the appellant may required 8 to 9,000/- for this surgery.

5. Looking to these aspects of the matter, the appeal is partly allowed. Respondents are directed to pay Rs.10,000/- (Rupees Ten Thousand) more to the appellant by way of additional compensation to what has been granted by the Tribunal with proportionate rise in the interest on the amount of Rs.10,000/- as per the order of the Tribunal. Appeal disposed of accordingly.

31.1.2005 (D.G. DESHPANDE,J.)